

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims have been amended. Claims 1-18 are pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,758,068 to Brandt et al. (“Brandt”) in view of U.S. Patent No. 5,752,041 to Fosdick (“Fosdick”). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandt. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 recites:

A telecommunications platform having a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first base license key, comprising:

a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network;
and

a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links to the communications network which are used is greater than that provided for by the base license key.
(emphasis added)

Thus, in claim 1, the licensing framework is for activating an upgrade license key which enables additional links to the communications network to increase the total amount of traffic capacity to the communications network. Brandt and Fosdick fail to suggest at least this feature of claim 1 in the context of that claim.

Brandt is directed to a system for software license management in the context of an enterprise computer system including a plurality of computer systems. FIG. 1 of Brandt illustrates a distributed data processing system 8 or enterprise (col. 3, lines 65-68), which may include LANs 10 and 32 each including a plurality of individual computers 12 and 30. Identifier codes allow a licensed product to be accessed on the enterprise system with only a single key (col. 3, lines 1-13). A license manager provides usage and/or access control based on information generated by the license key and the enterprise system (col. 3, lines 14-22).

Brandt, however, fails to disclose activating an upgrade license key to enable additional communication links to increase the total amount of traffic capacity to a communications network as recited in claim 1, where each communication link provides a certain amount of the traffic capacity to the communications network. Brandt merely discloses a software licensing system which manages a licensed product that may be used by computer systems within a distributed data processing system or enterprise. Brandt does not disclose that managing the usage or access control of a licensed software product according to its system enables additional communication links to increase the total amount of traffic capacity to its distributed data processing system or LANs within such system. Even if the traffic to a LAN in Brandt increases if the LAN is licensed to use a licensed product, that is not the same as enabling additional communication links to increase the total amount of traffic capacity. To the contrary, the traffic capacity to one of the LANs in Brandt does not appear to change, and the number of enabled communication links affecting traffic capacity to the LAN is not disclosed as changing depending upon whether or not the computers in the LAN are licensed for a licensed product.

Thus, even if Brandt were combined with Fosdick, the combination fails to suggest all the features of claim 1. Fosdick was cited for allegedly disclosing a traffic monitoring element, but fails to cure the deficiencies of Brandt.

Independent claims 8, 15, 16 and 17 respectively recite “activating an upgrade license key to enable additional ones of the plurality of links to the communications network to

increase the total amount of traffic capacity to the communications network”, “a licensing framework for activating an upgrade license key to temporarily enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network”, “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network” and “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network”, and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for reasons analogous to their respective independent claims, as well as for further patentable features recited therein. For example, Brandt and Fosdick fail to suggest the features of at least dependent claims 2, 9, or 13, nor would such features have been obvious in light thereof.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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